

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAN FLYNN and AMBER FLYNN,

Plaintiffs,

-vs-

Case No. 05-73850  
HON. AVERN COHN

OAKLAND COUNTY, MICHAEL BOUCHARD,  
MICHAEL McCABE, MARK VENUS, CLAY JANNSON,  
JEFF CROCKETT, JAMES AHEARN, ROBERT CAIN,  
GORDON PIZZINI, DAMON SHEILDS, DIRK FINDLAY,  
MARTIN BAY and DOUGLAS MOLINAR,  
in their individual and official capacities,

Defendants.

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**ORDER GRANTING IN PART PLAINTIFFS' SECOND MOTION  
FOR MORE THAN TEN DEPOSITIONS AND SETTING DEADLINES**

This is a civil rights case. Plaintiffs' claims are described in the Memorandum and Order Granting Plaintiffs' Motion to Compel Declassified Discovery, filed April 12, 2006. Before the Court is plaintiffs' Second Motion For More Than Ten Depositions. The motion was heard on September 5, 2007 at which time the Court made a ruling from the bench. This Order memorializes the Court's ruling.

By way of background, on February 28, 2007, plaintiffs filed a Supplement to Final Witness List naming over 300 prospective witnesses. Earlier, on November 30, 2006, defendants filed Defendants' Witness List naming over 100 prospective witnesses. These lists are clearly unrealistic. On July 11, 2007, plaintiffs filed the instant motion. Accompanying the motion was a list of the persons plaintiffs intended to

depose in separate categories. The list is excessive. After extended discussion, the Court made the following rulings:

1. Within two (2) weeks plaintiffs and defendants each shall file amended witness lists realistically naming the witnesses they will call at trial and may call at trial separately with a brief description of the nature of the testimony they intend to elicit from each of the witnesses named.

2. Plaintiffs may depose in discovery:

- a. each of the named defendants who have not been previously deposed;
- b. not more than three (3) persons named in the Commerce Township category;
- c. not more than two (2) persons named in the Lyon Township category;
- d. not more than three (3) persons named in the Elephant Bar category;
- e. not more than three (3) persons named in the Puertas category.

3. Discovery for all purposes closes **December 31, 2007**.

4. The final pretrial conference will be held on **Tuesday, January 29, 2008, at 2:00 p.m.** At the conference, in addition to the requirements stated in the Pretrial and Scheduling Order filed March 15, 2006, the parties shall provide the following in separate papers:

- a. witness lists, including a brief statement of each witness' proposed

testimony divided into will call and may call witnesses.

b. Exhibit lists numbered for trial and a binder containing each of the exhibits;

c. proposed jury instructions on the law of the case and a proposed verdict form.

**5. No dispositive motions may be filed without prior approval of the Court.**

Any objection to this order shall be filed within forty-eight (48) hours.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: September 6, 2007

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, September 6, 2007, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160